

Filed in Lancaster District Court

*** EFILED ***

Case Number: D02CI180002646

Transaction ID: 0007279884

Filing Date: 08/09/2018 02:27:51 PM CDT

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BARBARA PERRY,

Plaintiff,

VS.

ZOETIS LLC

Defendant.

Case No.

COMPLAINT,
DEMAND FOR JURY and
PRAECIPE

COMES NOW the Plaintiff, by and through her attorneys, and for her causes of action against the Defendant states and alleges as follows:

1. This is an action seeking redress for the violation of the rights guaranteed to the Plaintiff by the Nebraska Equal Pay Act, *Neb. Rev. Stat.* § 48-1219 et.seq., as amended, and the Nebraska Fair Employment Practices Act, *Neb. Rev. Stat.* §§ 48-1101 et.seq., as amended.

2. This Court has original jurisdiction over these state law claims.

3. At all times alleged herein, Plaintiff Barbara Perry was a resident of Lincoln, Lancaster County, Nebraska.

4. Upon information and belief, Defendant Zoetis LLC is a foreign corporation licensed to do business and was doing business in Nebraska at all times alleged herein. Defendant is an employer as that term is defined pursuant to the statutes set forth herein.

5. Plaintiff has fulfilled the administrative prerequisites to filing the instant timely action as the underlying administrative action is currently pending before the Nebraska Equal Opportunity Commission.

6. Plaintiff Barbara Perry is female.



7. Plaintiff commenced her employment with the Defendant in August, 2011 as a Laboratory Assistant/Technologist. At all times alleged, Plaintiff's work performance was satisfactory.

8. On or about November, 2015, Nathan Gross (male) was hired by Zoetis LLC as a Laboratory Assistant/Technologist. Upon information and belief, Gross was involuntarily separated from Defendant's employment in the summer of 2016.

9. Following Gross' separation from employment, Plaintiff discovered that Gross was paid \$21.00 per hour to work as a Laboratory Assistant/Technologist for Zoetis LLC. Plaintiff was paid only \$17.93 per hour by Zoetis LLC for her work as a Laboratory Assistant/Technologist. Zoetis LLC paid Perry \$3.07 less per hour than what they paid Gross even though Perry and Gross held the same position that required equal skill, effort and responsibility under similar working conditions. The discriminatory pay also adversely affected Perry's retirement and other terms and conditions of her employment with Zoetis LLC.

10. After learning of the discriminatory pay, Perry made request(s) to her supervisor, Rex Newsham (male), that her pay be increased to what Gross was earning. The request(s) were denied by Zoetis LLC.

11. Perry also reported the discriminatory pay to Zoetis LLC's Human Resource employee, Malissa Sittler. Ms. Sittler told Perry that Gross hadn't been making that much more than her. Sittler refused and/or otherwise failed to take action to remedy the discriminatory pay.

12. Due to Zoetis' repeated willful refusal to remedy the discriminatory pay for the female Plaintiff, Perry was constructively discharged on April 7, 2017.

13. At all times alleged herein, Zoetis LLC's employees were acting in the scope and course of their employment with the Defendant regarding all discriminatory actions set forth herein.

14. A motivating factor in the discrimination was Perry's gender.

15. As a result of the discriminatory conduct, Perry has sustained compensatory damages, lost wages, and the value of job related benefits.

COUNT I

Plaintiff incorporates paragraphs 1 through 15 as if fully set forth herein.

16. Due to her female gender, Perry was denied equal pay for equal work under similar working conditions that required equal skill, effort and responsibility. Said conduct is violative of the Equal Pay Act of Nebraska.

17. As a result of Zoetis' illegal actions, Perry has sustained lost wages, the value of job related benefits, and interest thereon.

18. Insofar as Zoetis' conduct was willful, an award of liquidated damages is appropriate.

COUNT II

Plaintiff incorporates paragraphs 1 through 18 as if fully set forth herein.

19. Perry's gender was a motivating factor in Zoetis' decision to deny equal pay to the female plaintiff, their failure to properly investigate and/or respond to and/or remedy the discriminatory pay issues noted herein. Said conduct is violative of the Nebraska Fair Employment Practices Act.

20. As a result of Zoetis' illegal actions, Plaintiff has sustained compensatory damages, lost wages, the value of job related benefits, and interest thereon.

COUNT III

Plaintiff incorporates paragraphs 1 through 20 as if fully set forth herein.

21. Perry was constructively discharged from her employment due to Zoetis' willful failure to remedy the known and continuing gender discrimination. Said conduct is violative of the Nebraska Fair Employment Practices Act.

22. As a result of Zoetis' illegal actions, Perry has sustained compensatory damages, lost wages, the value of job related benefits, and interest thereon.

WHEREFORE, Plaintiff respectfully requests that this Court assume jurisdiction as to all counts alleged herein and grant the following relief:

- a. Declare Zoetis LLC's conduct to be violative of the rights of the Plaintiff;
- b. Award Perry compensatory damages, lost wages, and the value of other job related benefits, including interest thereon;
- c. Award prejudgment interest;
- d. Award liquidated damages for willful violations of the Nebraska Equal Pay Act;
- e. Award reasonable attorney's fees and costs;
- f. Award such other and further relief as the Court deems just and reasonable and appropriate to correct the wrong done to Perry.

BY: s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
(402) 474-8000
kathleen@vpowerslaw.com

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests trial by jury.

s/Kathleen M. Neary

Kathleen M. Neary NSBA 20212

PRAECIPE

TO THE COURT OF THE DISTRICT COURT:

Please issue summons for service upon Defendant's Registered Agent via certified mail and return to the undersigned.

Registered Agent for Defendant Zoetis LLC: CT Corporation System
5601 South 59th Street
Lincoln, NE 68516

s/Kathleen M. Neary

Kathleen M. Neary NSBA 20212

SERVICE RETURN

Doc. No. 554475

LANCASTER DISTRICT COURT
575 S. 10th Street - 3rd Floor
SEPARATE JUVENILE COURT-4th Floor
Lincoln NE 68508

To:
Case ID: CI 18 2646 Barbara Perry v. Zoetis LLC

hereby certify that on

copies of the Summons

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Zoetis LLC
c/o CT Corporation System
5601 South 59th Street
Lincoln, NE 68516



9590 9402 2666 6336 5257 38

2. Article Number (Transfer from service label)

7016 3010 0000 1894 7081

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Joh Halbrook

☐ Agent☐ Addressee

B. Received by (Print Name)

Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below

☐ Yes☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

CERTIFIED MAIL
PROOF OF SERVICE

Copies of the Summons were mailed by certified mail.

TO THE PARTY: zoetis LLC c/o CT Corporation SystemAt the following address: 5601 South 59th StreetLincoln, NE 68516on the 10th day of August 2018, as required by Nebraska state law.Postage \$ 6.88

Attorney for:

Plaintiff Barbara PerryThe return receipt for mailing to the party was signed on August 13, 2018.

To: Zoetis LLC
c/o CT Corporation System
5601 South 59th Street
Lincoln, NE 68516

From: Kathleen M Neary
411 S 13th St Ste 300
P.O. 84936
Lincoln, NE 68501-4936

LANCASTER COUNTY
CLERK OF THE
DISTRICT COURT
2018 AUG 15 PM 4 05

EXHIBIT

B

ATTACH RETURN RECEIPT & RET

001852662D02

Filed in Lancaster District Court

*** EFILED ***

Case Number: D02C1180002646

Transaction ID: 0007283614

Filing Date: 08/10/2018 09:42:52 AM CDT

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BARBARA PERRY,)	
)	CI 18 2646
Plaintiff,)	
vs.)	FIRST AMENDED COMPLAINT,
)	And DEMAND FOR JURY
ZOETIS LLC)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorneys, and for her causes of action against the Defendant states and alleges as follows:

1. This is an action seeking redress for the violation of the rights guaranteed the Plaintiff by the Nebraska Equal Pay Act, *Neb. Rev. Stat.* § 48-1219 et.seq., as amended, and the Nebraska Fair Employment Practices Act, *Neb. Rev. Stat.* §§ 48-1101 et.seq., as amended.
2. This Court has original jurisdiction over these claims.
3. At all times alleged herein, Plaintiff Barbara Perry was a resident of Lincoln, Lancaster County, Nebraska.
4. Upon information and belief, Defendant Zoetis LLC is a foreign corporation licensed to do business and was doing business in Nebraska at all times alleged herein. Defendant is an employer as that term is defined pursuant to the statutes set forth herein.
5. Plaintiff has fulfilled the administrative prerequisites to filing the instant timely action as the underlying administrative action is currently pending before the Nebraska Equal Opportunity Commission.
6. Plaintiff Barbara Perry is female.



7. Plaintiff commenced her employment with Zoetis LLC in August, 2011 as a Laboratory Technician. In approximately September, 2013, Plaintiff moved to the position of Laboratory Assistant/Technologist and held that position until she separated employment in April, 2017. At all times alleged, Plaintiff's work performance was satisfactory.

8. On or about November, 2015, Nathan Gross (male) was hired by Zoetis LLC as a Laboratory Assistant/Technologist. Upon information and belief, Gross was involuntarily separated from Defendant's employment in the summer of 2016.

9. Following Gross' separation from employment, Plaintiff discovered that Gross was paid \$21.00 per hour to work as a Laboratory Assistant/Technologist for Zoetis LLC. Plaintiff was paid only \$17.93 per hour by Zoetis LLC for her work as a Laboratory Assistant/Technologist. Zoetis LLC paid Perry \$3.07 less per hour than what they paid Gross even though Perry and Gross held the same position that required equal skill, effort and responsibility under similar working conditions. The discriminatory pay also adversely affected Perry's retirement and other terms and conditions of her employment with Zoetis LLC.

10. After learning of the discriminatory pay, Perry made request(s) to her supervisor, Rex Newsham (male), that her pay be increased to what Gross was earning. The request(s) were denied by Zoetis LLC.

11. Perry also reported the discriminatory pay to Zoetis LLC's Human Resource employee, Malissa Sittler. Ms. Sittler told Perry that Gross hadn't been making that much more than her. Sittler refused and/or otherwise failed to take action to remedy the discriminatory pay.

12. Due to Zoetis' repeated willful refusal to remedy the discriminatory pay for the female Plaintiff, Perry was constructively discharged on April 7, 2017.

13. At all times alleged herein, Zoetis LLC's employees were acting in the scope and course of their employment with the Defendant regarding all discriminatory actions set forth herein.

14. A motivating factor in the discrimination was Perry's gender.

15. As a result of the discriminatory conduct, Perry has sustained compensatory damages, lost wages, and the value of job related benefits.

COUNT I

Plaintiff incorporates paragraphs 1 through 15 as if fully set forth herein.

16. Due to her female gender, Perry was denied equal pay for equal work under similar working conditions that required equal skill, effort and responsibility. Said conduct is violative of the Equal Pay Act of Nebraska.

17. As a result of Zoetis' illegal actions, Perry has sustained lost wages, the value of job related benefits, and interest thereon.

18. Liquidated damages are appropriate due to the willful conduct of Defendant.

COUNT II

Plaintiff incorporates paragraphs 1 through 18 as if fully set forth herein.

19. Perry's gender was a motivating factor in Zoetis' decision to deny equal pay to the female plaintiff, their failure to properly investigate and/or respond to and/or remedy the discriminatory pay issues noted herein. Said conduct is violative of the Nebraska Fair Employment Practices Act.

20. As a result of Zoetis' illegal actions, Plaintiff has sustained compensatory damages, lost wages, the value of job related benefits, and interest thereon.

COUNT III

Plaintiff incorporates paragraphs 1 through 20 as if fully set forth herein.

21. Perry was constructively discharged from her employment due to Zoetis' willful failure to remedy the known and continuing gender discrimination. Said conduct is violative of the Nebraska Fair Employment Practices Act.

22. As a result of Zoetis' illegal actions, Perry has sustained compensatory damages, lost wages, the value of job related benefits, and interest thereon.

WHEREFORE, Plaintiff respectfully requests that this Court assume jurisdiction as to all counts alleged herein and grant the following relief:

- a. Declare Zoetis LLC's conduct to be violative of the rights of the Plaintiff;
- b. Award Perry compensatory damages, lost wages, and the value of other job related benefits, including interest thereon;
- c. Award prejudgment interest;
- d. Award liquidated damages for willful violations of the Nebraska Equal Pay Act;
- e. Award reasonable attorney's fees and costs;
- f. Award such other and further relief as the Court deems just and reasonable and appropriate to correct the wrong done to Perry.

BY: s/Kathleen M. Neary
Kathleen M. Neary NSBA 20212
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
(402) 474-8000

kathleen@vpowerslaw.com

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests trial by jury.

s/Kathleen M. Neary

Kathleen M. Neary NSBA 20212

Certificate of Service

I hereby certify that on Friday, August 10, 2018 I provided a true and correct copy of the Amended Complaint to the following:

Zoetis LLC service method: Certified Mail

Signature: /s/ Neary, Kathleen, M (Bar Number: 20212)

Filed in Lancaster District Court

*** EFILED ***

Case Number: D02CI180002646

Transaction ID: 0007283828

Filing Date: 08/10/2018 10:07:27 AM CDT

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

BARBARA PERRY,)	CASE NO. CI 18-2646
)	
Plaintiff,)	
)	
vs.)	ALIAS PRAECIPE
)	
ZOETIS LLC,)	
)	
Defendant.)	

TO THE CLERK OF SAID COURT:

Please issue Summons for service upon Defendant's Registered Agent via certified mail and return to the undersigned.

Registered Agent for Defendant Zoetis LLC:	CT Corporation System
	5601 South 59 th Street
	Lincoln, NE 68516

BARBARA PERRY, Plaintiff.

8/10/2018
Date

s/ Kathleen M. Neary
Kathleen M. Neary #20212
POWERS LAW
411 South 13th Street, Suite 300
Lincoln, NE 68508
(402) 474-8000
Kathleen@vpowerslaw.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARBARA PERRY,)	
)	Case No.
Plaintiff,)	
)	
vs.)	
)	
ZOETIS L.L.C.,)	
)	
Defendant.)	
)	

DECLARATION OF BRENDA SANTUCCIO

I, **Brenda Santuccio**, having personal knowledge of the facts contained in this Declaration and being competent to testify to them, hereby state as follows:

1. I am an officer and the Assistant Secretary of Zoetis L.L.C. ("Zoetis").
2. Zoetis is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in the State of New Jersey.

AS PROVIDED FOR BY 28 U.S.C. §1745, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

September 7, 2018
Date

Brenda Santuccio
Brenda Santuccio

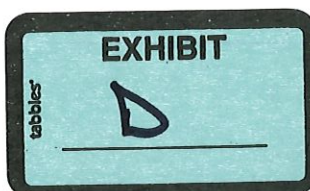


Image ID:
D00554475D02

SUMMONS

Doc. No. 554475

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
575 S. 10th Street - 3rd Floor
SEPARATE JUVENILE COURT-4th Floor
Lincoln NE 68508

Barbara Perry v. Zoetis LLC

Case ID: CI 18 2646

TO: Zoetis LLC

FILED BY

Clerk of the Lancaster District Court
08/10/2018

You have been sued by the following plaintiff(s):

Barbara Perry

Plaintiff's Attorney: Kathleen M Neary
Address: 411 S 13th St Ste 300
P.O. 84936
Lincoln, NE 68501-4936
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: AUGUST 10, 2018

BY THE COURT:

Tracy Z. Clark
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Zoetis LLC
c/o CT Corporation System
5601 South 59th Street
Lincoln, NE 68516

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.



	SERVICE RETURN	Doc. No. 554475
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LANCASTER DISTRICT COURT
 575 S. 10th Street - 3rd Floor
 SEPARATE JUVENILE COURT-4th Floor
 Lincoln NE 68508

To:

Case ID: CI 18 2646 Barbara Perry v. Zoetis LLC

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock __M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: Zoetis LLC
 c/o CT Corporation System
 5601 South 59th Street
 Lincoln, NE 68516

From: Kathleen M Neary
 411 S 13th St Ste 300
 P.O. 84936
 Lincoln, NE 68501-4936

ATTACH RETURN RECEIPT & RETURN TO COURT

Image ID:
D00554430D02

SUMMONS

Doc. No. 554430

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
575 S. 10th Street - 3rd Floor
SEPARATE JUVENILE COURT-4th Floor
Lincoln NE 68508

Barbara Perry v. Zoetis LLC

Case ID: CI 18 2646

TO: Zoetis LLC

FILED BY
Clerk of the Lancaster District Court
08/09/2018

You have been sued by the following plaintiff(s):

Barbara Perry

Plaintiff's Attorney: Kathleen M Neary
Address: 411 S 13th St Ste 300
P.O. 84936
Lincoln, NE 68501-4936
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: AUGUST 9, 2018

BY THE COURT:

Tracy L. Clark
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Zoetis LLC
c/o CT Corporation System
5601 South 59th Street
Lincoln, NE 68516

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 554430

LANCASTER DISTRICT COURT
 575 S. 10th Street - 3rd Floor
 SEPARATE JUVENILE COURT-4th Floor
 Lincoln NE 68508

To:

Case ID: CI 18 2646 Barbara Perry v. Zoetis LLC

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock ____ M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

**CERTIFIED MAIL
 PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,

TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: Zoetis LLC
 c/o CT Corporation System
 5601 South 59th Street
 Lincoln, NE 68516

From: Kathleen M Neary
 411 S 13th St Ste 300
 P.O. 84936
 Lincoln, NE 68501-4936

ATTACH RETURN RECEIPT & RETURN TO COURT